

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TOLEDO MACK SALES &
SERVICE, INC.,

Plaintiff,

v.

MACK TRUCKS, INC.

Defendant.

Civil Action No. 2:02-CV-04373-RLB

JURY TRIAL DEMANDED

MACK TRUCKS, INC.,

Counterclaim
Plaintiff,

v.

TOLEDO MACK SALES & SERVICE,
INC.,

Counterclaim
Defendant.

JURY TRIAL DEMANDED

**DEFENDANT/COUNTERCLAIM PLAINTIFF MACK TRUCKS, INC.'S SECOND
PROPOSED SPECIAL JURY INTERROGATORIES**

In the Charging Conference on October 4, 2006, Toledo Mack handed to the Court its proposed Jury Verdict Form. Pursuant to Local Rule 16.1(d)(4)(b), Defendant/Counterclaim Plaintiff Mack Trucks, Inc. proposes the following addition to Toledo Mack's Proposed Jury Verdict Form to account for the potential doubling of damages under the Ohio Motor Vehicle Dealer Law.

Toledo Mack's Proposed Questions with Mack's proposed addition and deletion in bold:

1. Do you find that Toledo Mack has proven by a preponderance of the evidence that Mack Trucks has violated the Ohio Motor Vehicle Dealer law?

YES _____

NO _____

2. Do you find that Toledo Mack has proven by a preponderance of the evidence that Mack Trucks engaged in tortious interference with Toledo Mack's prospective business relations?

YES _____

NO _____

If you answered "YES" to either of the above questions, please proceed to Question 3 below. If you answered "NO" to each of the above questions, please skip Question 3 and proceed to Question 4 **[which will now pertain to counterclaims]**.

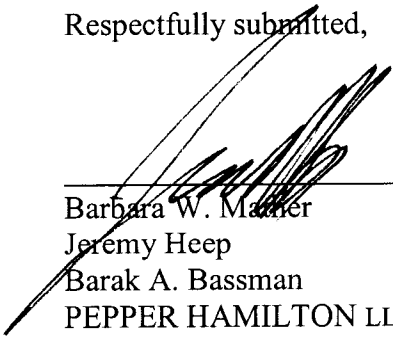
3. What is the amount of damages that Toledo Mack has proven by a preponderance of the evidence were caused by Mack Trucks' conduct?

\$ _____

If you answered "no" to Question 1, proceed to Question 4. If you answered "yes" to Question 1, what amount of this total was caused by Mack's conduct under the Ohio Motor Vehicle Dealer Law? \$ _____

4. **DELETE**

Respectfully submitted,



Barbara W. Manner

Jeremy Heep

Barak A. Bassman

PEPPER HAMILTON LLP

3000 Two Logan Square

Eighteenth & Arch Streets

Philadelphia, PA 19103-2799

(215) 981-4000

Attorneys for Defendant/Counterclaim Plaintiff
Mack Trucks, Inc.

Dated: October 6, 2006

CERTIFICATE OF SERVICE

I, Jeremy Heep, hereby certify that on October 6, 2006 a true and correct copy of the foregoing Defendant/Counterclaim Plaintiff Mack Trucks, Inc.'s Second Proposed Jury Interrogatories, was served via hand delivery upon the following:

Wayne Mack
J. Manly Parks
Duane Morris LLP
30 South 17th Street
Philadelphia, PA 19103



Jeremy Heep